

REMARKS

Foreign Priority:

Applicant thanks the Examiner for acknowledging Applicant's claim to foreign priority under 35 U.S.C. § 119(a)-(d), and for confirming that the certified copy of the priority document has been received at the Patent Office.

Information Disclosure Statement:

Applicant thanks the Examiner for initialing and returning Form PTO-1449 filed on April 21, 2004, thus indicating that all of the references listed thereon have been considered.

Withdrawn Claims:

Claims 33 and 39 have been withdrawn from consideration, and Applicant thanks the Examiner for acknowledging that the election was made without traverse.

Claim Rejections:

Claims 1-40 are all of the claims pending in the present application, and currently claims 1-32, 34-38 and 40 stand rejected.

35 U.S.C. § 102(b) Rejection - Claims 1-2, 14-16, 28-32, 34-38 and 40:

Claims 1-2, 14-16, 28-32, 34-38 and 40 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the previously applied U.S. Patent No. 5,283,491 to Jabbar et al. In view of the following discussion, Applicant respectfully traverses the above rejection.

As an initial matter, Applicant notes that the Examiner is essentially maintaining the same rejection, as previously applied in the October 6, 2003 Office Action. In continuing to reject the claims, the Examiner alleges that Applicant's arguments were not relevant.

Specifically, the Examiner has stated that:

[A]pplicant only claims thrust bearings being made of ceramic. As stated supra, Jabbar et al shows in figures 2, 3 and 9 a ceramic dynamic-pressure bearing including a first member 25 formed of ceramic (see column 7, lines 23-42) and having a cylindrical outer surface. A second member 42 formed of ceramic and having a cylindrical reception hole formed is shown in figures 2 and 3 of Jabbar et al. *See* Final Office Action, pages 5-6, para. 8.

Applicant has carefully reviewed Jabbar in view of the above Examiner's comments and respectfully disagrees.

Jabbar discloses an air-bearing motor assembly for magnetic recording systems. Specifically, Jabbar discloses a cylindrical motor shaft **25** which is inserted into a through hole in a rotating sleeve member **42**, where the rotating sleeve **42** is positioned between lower and upper bases **43** and **44**. *See* Jabbar, Figure 2, col. 6, lines 3-62 and col. 7, lines 11-22.

However, Applicant notes that none of these above components are disclosed as being made of a ceramic material. Namely, Jabbar discloses that the motor shaft **25** is made of steel,¹ the sleeve member **42** is made from aluminum or plastic,² and the non-rotating lower and upper bases **43** and **44** are preferably made from aluminum or plastic.³ In fact, Applicant notes that in Jabbar only the thrust bearings **11** and **14** are "essentially covered with dry lubricated plastic or ceramic." Col. 7, lines 31-32. In view of this disclosure, in Jabbar, there is no disclosure, whatever, of forming any of the motor shaft, the sleeve member or the non-rotating upper and lower bases of a ceramic material.

¹ Col. 4, line 9.

² Col. 7, line 18-19.

³ Col. 6, lines 60-62.

Because there is no disclosure of using a ceramic material for the forming any of these three structural portions, Jabbar fails to disclose each and every feature of the claimed invention. Therefore, Jabbar fails to anticipate the claimed invention, as required under the provisions of 35 U.S.C. § 102. Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the above 35 U.S.C. § 102(b) rejection of the above claims.

Additionally, if the Examiner continues to assert that Jabbar discloses each and every feature of the claimed invention, Applicant respectfully requests the Examiner specifically identify where Jabbar discloses making each of the claimed components from a ceramic material.

35 U.S.C. § 103(a) Rejection - Claims 3-13 and 17-27:

Claims 3-14 and 17-27 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Jabbar in view of NIST Property Data Summaries. However, since the NIST Property Data Summaries fail to cure the deficient teachings of Jabbar with respect claims 1 and 15, Applicant submits that these claims are allowable, at least by reason of their dependence.

Conclusion:

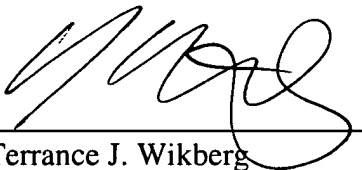
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. §1.116
Application Number 10/090,267

Our Ref: Q68736
Art Unit: 2652

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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